

RESOLUTION NO. 20091015-0

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase the needed real property interest but has been unable to agree with the owners and lienholders on the fair market value, therefore, the City has been unable to acquire clear title to the needed property interests; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interest needed by the City, described and located below, for the public purpose set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Andrew M. Ortiz, Jr. and Christina Prieto, f/k/a Christina P. Ortiz

Project: Elroy Water Transmission Main Project

Intended Purpose: the permanent waterline easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, repair, replace, and upgrade waterlines and making connections therewith, in order to increase and improve the City's ability to provide potable water to the public and to prevent leakage from water lines.

Location: 10501 San Jose Avenue, Del Valle, Travis County, Texas

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: October 15, 2009

ATTEST: _____

Shirley A. Gentry
City Clerk